

REMARKS

Claims 1 is pending within the present application. No Claims have been added, amended, or canceled.

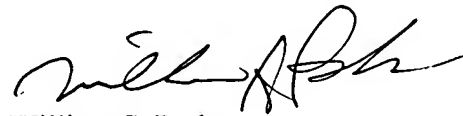
The Office has rejected claim 1 as under 35 U.S.C. § 102(b) as being anticipated by Hirsbrunner. In view of the accompanying Declaration under 37 CFR § 1.132 of Randy D. Petrea, it is respectfully submitted that such a rejection is improper and untenable. Mssr. Petrea clearly establishes that Hirsbrunner fails to teach or otherwise provide an actual hydrophobic sand (or soil formulation), but, to the contrary, explicitly discloses hydrophilic sand (or soil) formulations. The Declaration shows that the specifically exemplified sand (or soil) formulations of Hirsbrunner exhibit a zero level of hydrophobicity under the minimal ethanol drop test of the present claims. Thus, anticipation does not reside in this situation, again, contrary to the Office's position. Furthermore, without any motivation provided to modify the purpose behind Hirsbrunner's disclosed formulations to provide hydrophobicity (as opposed to patentee's intention of providing thickening and cementing of sand and/or soil to prevent wind and water erosion, in order to further permit proper growing of crops therein), it is respectfully submitted that obviousness does not exist in this situation either. Reconsideration and withdrawal of such an improper rejection are therefore earnestly solicited.

CONCLUSION

In view of all of the previous amendments and arguments, it is respectfully requested that the preceding remarks and accompanying Rule 132 Declaration be entered and duly considered, all of the prior rejections of the present claim be withdrawn, and this application be passed on to issue.

Respectfully submitted,

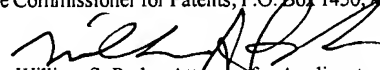
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